



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : PAILLE, Michel G.
Serial No.: 10/628,929
Filed: July 29, 2003
Entitled: Self Wiping Toiletry Device
Examiner: CHIN, Randall E.
Art Unit: 1744

DECLARATION OF MICHEL G. PAILLE
UNDER 37 CFR § 1.132

I Michel G. Paille, Applicant, hereby declare that the art as claimed in all claims 1 - 17 and the method of using the same of the above entitled application has been sold as a self wiping device since December of 2003 under the name "SelfWipe" through my web site at <http://www.selfwipe.com> and through various retailers and vendors. Since December of 2004 sales have also been through Maddak Inc. of Wayne, NJ. an established manufacturer and distributor of aids for daily living. Reference to said Maddak advertising may be found at <http://service.maddak.com/catalog/725062000.html>. The aforesaid product sales includes all of the elements of claims 1 - 20 and may also be found for sale at <http://www.selfwipe.com>.

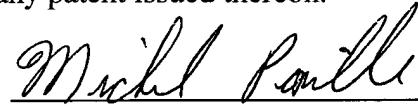
Between since said December of 2003 date and December of 2004 sales have averaged approximately 60 units per month as defined in the claims of the present application. Since December of 2004 sales with Maddak have increased approximately 30% per quarter with the latest quarter representing a doubling of Maddak quarterly sales with approximately 1200 units sold in the last quarter alone.

The success in the marketplace of the claimed invention establishes that a long felt need existed within the art of self wiping which has not been met with the prior art. The testimonials found at Applicant's web side, <http://selfwipe.com/selfwipe-testimonials.html>, represent actual customers which are very pleased with product performance and are incorporated herein by reference. The testimonials further show fulfillment of a market need of the product as described in the claims.

To the best of Applicant's knowledge, success of the aforesaid product is not attributable solely to promotion or advertising, shift in advertising, consumption by purchasers normally tied to applicant or assignee of applicant, or other business events extraneous to the merits of the claimed invention. Instead, the success is due to the advantages of the aforesaid product.

In my sincere belief, all of the foregoing demonstrates a long felt but unfulfilled need within the marketplace for the "SelfWipe" product as claimed in claims 1 - 17 of the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Michel G. Paille (Applicant) Date